

REMARKS

Claims 1-19 are pending and have been rejected by the Examiner under 35 U.S.C. §112 first and second paragraphs, and under 35 U.S.C. §103(a). The Examiner objects to the abstract under MPEP § 608.01(b) and objects to the disclosure under 37 CFR § 1.71. No new matter has been added.

The Examiner has objected to paragraphs [0006] and [0011] of the disclosure under 37 CFR § 1.71 alleging that the ratio stated is not clear as to the actual size of the handle. Paragraph [0006] states, in pertinent part, "the body portion of the handle defines a width and height with the ratio of the width to the height being about 1.1 to about 1.4 along a length defined by the body portion." Applicants respectfully disagree with the Examiner's contention that the actual size of the handle needs to be specified. The invention recited in the specification of the application in question is directed to an ergonomic handle wherein the configuration of the handle is generally specified in terms of ratios so that regardless of the ultimate handle size the configuration of the handle conforms to these ratios. Accordingly, applicants respectfully submit that the ratios stated are clear and request that the Examiner's objections be withdrawn.

The Examiner has objected to paragraph [0007] and [0012] of the disclosure under 37 CFR § 1.71 alleging that the phrase "the largest width defined by the body portion is positioned at a location about 37% along the length from the tip" is not clear as to the position of the handle's largest width. The position of the largest width is clearly marked on FIG. 1 as "W1" and is described in paragraph [0012]. Paragraph [0012] provides further specificity of the location of the largest width by disclosing that the location of the largest width is "37% along the length L2 of the handle taken from the tip." Applicants submit that the location of the largest width is clearly described in the specification and requests that the Examiner's objection to paragraphs [0007] and [0012] be withdrawn. Applicants fail to understand why the Examiner asserts that this is unclear. The "tip" and its location are clearly defined in the specification as is the length L2. Accordingly, a location about 37% along the length from the tip is equivalent to  $.37 \times L2$ . Clearly, this defines the location of the largest width.

The Examiner also alleges that paragraphs [0008], [0013] and [0014] are not clear because the size of the handle has not been clearly defined and therefore the placement of both the pinch point and the center of balance are not clearly defined. With reference to FIGs. 1 and

2, the specification clearly describes the position of both the pinch point "P" and the center of balance "C." In particular, paragraph [0013] states that the pinch point "P" is "located adjacent to the head section 16 of the handle 10 about 30 to about 50 mm away from an end 18 of the head section." Paragraph [0014] further defines the position of the center of balance relative to the pinch point by stating that the "pinch point "P" is located about 10 to about 25 mm away from the center of balance." FIG. 1 clearly shows the center of balance being positioned between the tip and the pinch point. Accordingly, the location of the pinch port and the center of balance, rather than being unclear, as the Examiner asserts, are precisely defined.

The Examiner has objected to the abstract of the disclosure under MPEP § 608.01(b) alleging that the ratio stated is not clear as to the actual size of the handle. The abstract states, in pertinent part, "the body portion has a width and height with the ratio of the width to the height being approximately 1.1 to approximately 1.4 along a length defined by the body portion." In accordance with MPEP § 608.01(b), the purpose of the abstract is to enable a person to determine the nature and gist of the technical disclosure. The actual size of the handle is immaterial to describing the nature and gist of the claimed invention. The current abstract is descriptive in the sense of MPEP § 608.01(b) and the Applicants therefore request that the Examiner withdraw the objection regarding the abstract.

The Examiner has rejected claims 1-19 under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the enablement requirements and alleging that the subject matter of claims 1-19 was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. The Examiner's rejection is based on the allegation that the actual size of the handle is not clear. The Applicants submit that the invention as claimed is enabled. One skilled in the art of razor handle design would be able to make and/or use the invention without undue experimentation. The present invention is directed to an ergonomic handle that is defined by ratios so that regardless of overall sizes, the handle conforms to the specified ratios. Accordingly, knowing the specified ratios would allow one skilled in the art to design larger or smaller handles that would still maintain their ergonomic character. For at least these reasons, the Applicants respectfully request the Examiner to withdraw the rejection of claims 1-19.

The Examiner has rejected claims 1-19 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention. In particular, the Examiner alleges that independent claims 1, 7 and 13 all include indefinite terminology because the actual operable size of the handle and pinch point is not clearly defined. As stated herein above the ratios specified and claimed clearly define the ergonomic handle of the present invention. There is no requirement that the actual size of an invention be recited in the claims. In fact, if this were a requirement it would be impossible for an inventor to obtain any type of meaningful patent protection. Such a requirement is clearly not the law and applicants request that the Examiner withdraw the rejection.

The Examiner rejects claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over United States Design patent No. 445,958 to Dansreau (hereinafter the '958 patent), directed to a razor handle. The Examiner admits that the '958 patent does not disclose the specific ratios claimed in the present invention, but alleges that the purpose of the '958 reference "is to provide an ergonomic structure, to vary a particular length, width and height along the handle to fit appropriately in a particular size of hand." The Applicants have reviewed the '958 reference in detail and have found no mention of the purpose being to provide an ergonomic structure as the Examiner asserts. An ergonomic handle for a shaving implement comprising: a handle having a head section and a body portion; the body portion defining a width and a height with the ratio of the width to the height being about 1.1 to about 1.4 along a length defined by the body portion, as disclosed in claim 1, is not taught or suggested by the razor handle disclosed in the '958 reference. Instead, the '958 reference is a United States Design Patent, disclosing no dimensions or relationships between features whatsoever. The ratio claimed in the instant application are what make the handle of the present invention ergonomic. Applicants respectfully submit that it is impossible for the Examiner to reach such a conclusion merely by viewing figures in a design patent. Moreover, the ratios disclosed and claimed in the present application are what define the invention. The Examiner admits that these defining elements are not taught or suggested by the '958 patent. For at least these reasons, applicants request that the Examiner's rejection be withdrawn.

Because claims 1, 7 and 13 are believed to be allowable for at least the reasons presented above, claims 2-6, 8-11 and 14-19 are therefore also believed to be allowable. Consequently, Applicant respectfully requests that the rejections of claims 2-6, 8-11 and 14-19 be withdrawn.

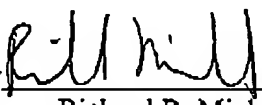
Applicants believe that the foregoing remarks are fully responsive to the Office Action and the claims are allowable over the reference applied by the Examiner. Applicants respectfully request that the Examiner reconsider the present application, remove the objections and rejections, and allow the application to issue.

If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

Applicants believe that no fees are due with the submission of this Response. If there are any deficiencies in fees with respect to this Response they may be charged to Deposit Account No. 503342 maintained by Applicants' attorneys.

Respectfully submitted,

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